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October 21, 2019

The Honorable Edgardo Ramos
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: 1:19-cv-04839-ER; Plaintiff's Second Letter Motion for Extension of Time within Which to Effectuate Service on John Doe Defendant

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On June 6, 2019, Plaintiff filed its Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion"). [CM/ECF 8].

3. Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff was required to effectuate service on the Defendant by no later than August 21, 2019. Because Plaintiff's Motion was pending at that time, on August 20, 2019, Plaintiff filed its First Letter Motion for Extension of Time Within Which to Effectuate Service on Defendant ("First Letter Motion"). [CM/ECF 10].

4. On October 3, 2019, the Court granted Plaintiff leave to serve a third party subpoena prior to the Rule 26(f) Conference. [CM/ECF 11]. Plaintiff issued the subpoena on or about October 8, 2019 and, in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about February 5, 2019.

5. On October 3, 2019, the Court granted Plaintiff's First Letter Motion, extending the deadline to effect service of process on Defendant to October 20, 2019. [CM/ECF 12].

6. Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended sixty (60) days from February 5, 2020 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to April 5, 2020. This extension should allow Plaintiff sufficient time to receive the ISP response, conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, amend the Complaint and place the summons and amended Complaint with the process server to attempt service of process.

7. This motion is made in good faith and not for the purpose of undue delay.

8. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant be extended until April 5, 2020.

Respectfully Submitted,

By: /s/Jacqueline M. James
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